

THE EFFECTIVE DATE OF THIS ORDINANCE IS JULY 1, 2009

ORDINANCE NO. 09-07-511

**Re: An Ordinance to Amend Chapter 1-10 of the Frederick County Code
Regarding Grading Permits and Fees**

WHEREAS, on March 5, 2009, the Board of County Commissioners of Frederick County (BOCC) approved sending the attached Ordinance to public hearing. The Ordinance proposes certain changes to the Frederick County Code, Chapter 1-10 – Grading, Erosion and Sediment Control, including but not limited to, clarification of the purpose of fees, when minor grading permits are issued, plan requirements for major grading permits, preconstruction meeting requirements, renewal of grading permits, and the option to place a project in an “inactive” status, and

WHEREAS, the BOCC held a public hearing on this Ordinance on April 21, 2009, during which the public had an opportunity to comment.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREDERICK COUNTY, MARYLAND that the following revisions to Chapter 1-10 of the Frederick County Code are hereby adopted:

1-10-7 FEES.

(A) The fees to be collected for ~~inspection, enforcement and~~ grading permit processing, **INSPECTION, AND ENFORCEMENT**, shall be **ADOPTED** ~~revised as necessary by ordinance~~ **OR RESOLUTION** of the Board of County Commissioners of Frederick County. County or municipal public works projects, including but not limited to refuse disposal areas and sanitary landfills, shall be exempt from the permit fee.

~~—(B) Permits are applied and paid for in the offices of the Frederick County Department of Permits and Inspections, and/or the Department of Public Works, Winchester Hall, Frederick, Maryland.~~

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§ 1-10-26. REQUIREMENTS.

(A) **STANDARD SEDIMENT CONTROL PLAN AND GRADING PERMITS.**

(1) **MINOR GRADING PERMIT.** A MINOR GRADING PERMIT MAY BE ISSUED IF ALL OF THE FOLLOWING CONDITIONS APPLY:

- (A) THE APPLICATION IS FOR GRADING ASSOCIATED WITH SINGLE LOT RESIDENTIAL DEVELOPMENT
- (B) THE TOTAL DISTURBED AREA, INCLUDING BOTH OFF-SITE AND ON-SITE ACTIVITY, IS LESS THAN 15,000 SQUARE FEET;
- (C) THE TOTAL VOLUME OF EARTH MOVEMENT INCLUDING BOTH OFF-SITE AND ON-SITE ACTIVITY WILL NOT BE GREATER THAN 500 CUBIC YARDS;
- (D) A FORMAL EROSION AND SEDIMENT CONTROL PLAN IS NOT REQUIRED PURSUANT TO THE PROVISIONS OF § 1-10-16(A). (HOWEVER, A STANDARD EROSION AND SEDIMENT CONTROL PLAN FOR MINOR EARTH DISTURBANCES WILL BE REQUIRED.)

(2) **MAJOR GRADING PERMIT.** A MAJOR GRADING PERMIT IS REQUIRED FOR ANY OF THE FOLLOWING:

- (A) COMMERCIAL SITES;
- (B) INDUSTRIAL SITES;
- (C) INSTITUTIONAL SITES;
- (D) MULTI-UNIT RESIDENTIAL SITES (TOWNHOUSES, APARTMENTS, ETC.);
- (E) SINGLE-FAMILY HOUSING WHICH DOES NOT MEET THE REQUIREMENTS FOR A MINOR GRADING PERMIT AS SET FORTH ABOVE IN §1-10-26(A)(1);
- (F) ANY EARTH DISTURBANCE REQUIRING A GRADING PERMIT AND NOT COVERED ABOVE IN §1-10-26(A) (1) (PRIVATE ROAD CONSTRUCTION, PARKING LOTS, ETC.).

(BA) **PERMIT ISSUANCE.**

Before a grading or building permit for any lot or parcel is issued by ~~DPW~~**FREDERICK COUNTY**, the ~~SCS/SCD~~ must review and approve an erosion and sediment control plan for the site. Grading permits will be issued at a preconstruction conference between the Sediment Control Inspector and the applicant, unless **THIS MEETING IS** waived by ~~DPW~~**FREDERICK COUNTY**. The meeting is to ~~be~~**MUST** be ~~REQUESTED~~**set up** by the applicant. ~~and DPW~~ **FREDERICK COUNTY WILL SCHEDULE THE MEETING WITHIN** ~~is to be notified~~ 24 hours **AFTER RECEIPT OF THE APPLICANT'S REQUEST.** ~~in advance of this meeting. This requirement will not apply w~~When the standard erosion and sediment control plan for minor earth disturbances ~~IS~~**are USED IN ACCORDANCE WITH §1-10-26(A)(1)(D) ABOVE**~~issued, NO PRECONSTRUCTION CONFERENCE IS REQUIRED. PERMIT WILL BE ISSUED BY MAIL OR AT FREDERICK COUNTY OFFICES.~~

~~(B) — Standard Sediment Control Plan and grading permits.~~

~~_____ (1) *Category 1: Minor grading permit.* A minor grading permit will be issued if all of the following conditions apply:~~

- ~~_____ (a) The total disturbed area is less than 15,000 square feet;~~
- ~~_____ (b) The total volume of earth movement will not be greater than 500 cubic yards; and~~
- ~~_____ (c) No formal erosion and sediment control plan is required pursuant to the provisions of § 1-10-16(A).~~

~~_____ (2) *Category 2: Major grading permit.* Major grading permit is required for the following:~~

- ~~_____ (a) Commercial sites;~~
- ~~_____ (b) Industrial sites;~~
- ~~_____ (c) Institutional sites;~~
- ~~_____ (d) Multi-unit residential sites (townhouses, apartments, etc.);~~
- ~~_____ (e) Single-family housing which does not meet the requirements for a minor grading permit as set forth above; and~~
- ~~_____ (f) Any land disturbance requiring a grading permit not covered above (private road construction, parking lots, etc.).~~

~~_____ (3) *Category 3: Major or minor grading permit.* If during the construction of public improvements, either on-site or off-site, the total disturbed area is less than 15,000 square feet and the total volume of earth movement will not exceed 500 cubic yards, a minor grading permit will be required. Any land disturbance in excess of these amounts will require a major grading permit.~~

§ 1-10-27. EXPIRATION AND RENEWAL.

(A) PERMIT RENEWAL REQUIREMENTS.

~~The building or grading permit shall expire 1 year from the date of issuance. unless extended or~~
ALL PERMITS WITH AN OUTSTANDING SURETY BALANCE AT THAT TIME
~~MUST BE renewed by the DPW. A revised plan for sediment control may be required,~~
~~depending on site conditions.~~**IN ACCORDANCE WITH § 1-10-27(B) BELOW.**

(B) PERMIT RENEWAL PROCESS.~~Application for permit renewal shall be made at least 2 months prior to the permit expiration date.~~

(1) THE PERMITTEE MUST SUBMIT A WRITTEN REQUEST TO RENEW THEIR GRADING PERMIT AT LEAST 60 DAYS PRIOR TO PERMIT EXPIRATION FOR ANY GRADING PERMIT REQUIRING RENEWAL. ALL CURRENT PERMIT PROCESSING, INSPECTION AND ENFORCEMENT FEES MUST ACCOMPANY THIS REQUEST.

(2) FOR PROJECTS THAT ARE NOT ACTIVELY INVOLVED IN GRADING OR THAT WILL BE INACTIVE FOR THE 12-MONTH RENEWAL PERIOD. THE PERMITTEE MAY SUBMIT A WRITTEN REQUEST TO HAVE THEIR PERMIT PLACED IN AN "INACTIVE" STATUS. IF APPROVED, ONLY THE PERMIT PROCESSING FEE NEEDS TO BE PAID.

(A) THE PERMITTEE MUST SUBMIT A WRITTEN REQUEST TO RETURN THEIR PERMIT TO "ACTIVE" STATUS PRIOR TO

CONDUCTING ANY GRADING ACTIVITY. ALL CURRENT INSPECTION AND ENFORCEMENT FEES ARE DUE PRIOR TO APPROVAL OF THE RETURN TO ACTIVE STATUS.

(B) A REVISED SEDIMENT AND EROSION CONTROL PLAN MAY BE REQUIRED DURING THE PERMIT RENEWAL PROCESS IF DEEMED NECESSARY BY THE COUNTY.

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§ 1-10-29. SUSPENSION AND REVOCATION.

FREDERICK COUNTY ~~The DPW and/or Permits and Inspections~~ may suspend or revoke any grading or building permits after providing written notification to the permittee based on any of the following reasons:

- (A) Any violation(s) of the terms or conditions of the approved erosion and sediment control plan or permit;
- (B) Noncompliance with violation notice(s) or stop-work order(s) issued;
- (C) Changes in site characteristics upon which plan approval and permit issuance was based;

(D) FAILURE TO RENEW A GRADING PERMIT AND PAY ALL APPLICABLE FEES AS REQUIRED UNDER §1-10-27;

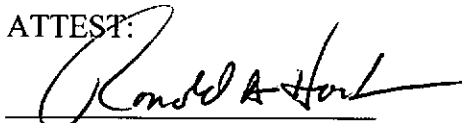
(ED) Any violation(s) of this chapter or any rules and regulations adopted under it.

AND BE IT FURTHER ENACTED AND ORDAINED THAT, as of the effective date of this Ordinance, all inactive grading permits may be made current by paying the administrative processing fee for all of the years during which the permit was inactive and not renewed, with the exception of any inactive grading permit for an application that is not in compliance with all other applicable development regulations and requirements.

AND BE IT FURTHER ENACTED AND ORDAINED THAT the effective date of this Ordinance shall be July 1, 2009.

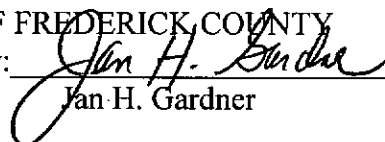
The undersigned hereby certifies that this Ordinance was approved and adopted on the 22nd day of April, 2009.

ATTEST:


Ronald A. Hart

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY

By:


Jan H. Gardner

KAM
4/23/09